

the ineffective assistance of counsel claims regarding his guilty plea proceedings and sentencing proceedings.

The Court withholds entry of a final judgment at this time. The instant memorandum and order are interlocutory. The Magistrate Judge has scheduled an evidentiary hearing on the remaining claim by petitioner Harris of ineffective assistance of counsel regarding the lack of a direct appeal from the judgment of conviction and sentence. Petitioner Harris contends he requested his attorney to file a direct appeal, but his attorney failed to comply with the request. The Magistrate Judge will be submitting a further report and recommendation after the evidentiary hearing is concluded.

SO ORDERED.

ENTER this 2nd day of February, 2007.

/s/ R. Allan Edgar

R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE